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DEPT FOR T, VCI AND EUR/PRA
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CIA FOR WINPAC
JCS FOR J5/DDGSA
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NAVY FOR CNO-N5JA AND DIRSSP
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TAGS: [KACT](#) [MARR](#) [PARM](#) [PREL](#) [RS](#) [US](#) [START](#)
SUBJECT: START FOLLOW-ON NEGOTIATIONS, GENEVA
(SFO-GVA-VII): (U) TREATY TEXT AND DEFINITIONS WORKING
GROUP MEETING, NOVEMBER 27, 2009

REF: GENEVA 01121 (SFO-GVA-VII-051)

Classified By: A/S Rose E. Gottemoeller, United States
START Negotiator. Reasons: 1.4(b) and (d).

¶1. (U) This is SFO-GVA-VII-062.

¶2. (U) Meeting Date: November 27, 2009
Time: 3:30 P.M. - 6:00 P.M.
Place: Russian Mission, Geneva

SUMMARY

¶3. (S) The Russian delegation tabled a revised version of their non-paper on, "Location of Non-Deployed Items" (Reftel). Several treaty Articles (I, VII, XIII, XIV and XV) that were returned from the Conforming Group were discussed to resolve language issues the Conforming Group could not resolve. Next, the public release of database information was discussed. The Russian delegation proposed a joint statement outside the treaty text itself to address the issue. Lastly, some initial work began on reviewing the Joint Draft Text for Article III. End Summary.

¶4. (S) SUBJECT SUMMARY: Non-Paper on Non-Deployed Items; Treaty Article XV (Ratification, EIF); Treaty Article VII (C or E); Treaty Article XIII (BCC); Treaty Article I; Treaty Article XIV; Treaty Article VIII (Database); and Treaty Article III (Counting Rules).

NON-PAPER ON NON-DEPLOYED ITEMS

15. (S) The Russian delegation began the meeting by tabling a revised edition of their non-paper, "Proposal on Locating Non-Deployed Items" (Reftel). Admiral Kuznetsov stated that the paper was revised to incorporate U.S. comments concerning the inclusion of production facilities and to clarify "basing" versus "location" of heavy bombers. Mr. Taylor responded that the U.S. side was studying the paper with great interest and would continue to do so. He further stated that the United States was in general agreement with the ICBM and SLBM concepts, but the United States had several questions and considerations regarding heavy bombers. Further discussion was deferred until the next meeting.

TREATY ARTICLE XV (RATIFICATION, EIF)

16. (S) Taylor next began a discussion of Article XV suggesting some minor changes to the language in paragraph 1 reflecting the correct structure. Kuznetsov agreed. Taylor reviewed the remaining brackets in paragraphs 2 and 3 and it was agreed to remove all brackets except those around the Russian-proposed text in paragraph 2 regarding the quantitative and qualitative buildup in the capabilities of strategic missile defense systems. It was then agreed to send the article back to conforming.

TREATY ARTICLE VII (C OR E)

17. (S) Article VII was returned from conforming containing additional brackets that addressed "removal from accountability." Taylor explained that the English language construct used was very logical and concise. Ms. Kotkova responded that, unfortunately, this did not translate well into Russian. Eventually, compromise language was reached: "Conversion, elimination, or removal from accountability by other means of Strategic Offensive Arms and facilities shall be carried out by the procedures set forth in Part Three of the Protocol." The discussion then turned to paragraph 3, which had bracketed text regarding the inspections conducted in accordance with Article XI. Taylor submitted that the issue would be decided in Article XI or the Inspection Protocol Working Group and that the current brackets could be removed without prejudicing either side. Kuznetsov agreed and asked the United States to provide a clean (un-bracketed) copy with the changes. He stated he would give a final review and if it looked acceptable would send it directly to conforming.

TREATY ARTICLE XIII (BCC)

18. (S) Article XIII was the next topic of discussion. The Conforming Group had raised a question on the correct treaty structure as reflected in this Article. Kotkova suggested that this had been through conforming before the structure was finalized. Taylor suggested making the corrections necessary and sending back to conforming. Kuznetsov agreed.

TREATY ARTICLE I

19. (S) Taylor next brought up Article I which was returned from conforming to consider the language "its Protocol" and "Protocol to this Treaty." The Russian delegation stated that "its Protocol" does not translate in a proper legal manner in Russian. After discussion, both sides agreed that in Article I, "of the Protocol" would be used and "Protocol to the Treaty" would be used everywhere else.

TREATY ARTICLE XIV

¶10. (S) The Russian delegation questioned the meaning of the term "undertakings" as it applied to international obligations and suggested alternatives in Article XIV. Taylor explained that he did not object to different language, but the meaning must remain the same. Dean also explained that "undertakings" in English, did not necessarily mean only international, or in concert with another party. It was a general term and could mean unilateral or any other action that could be contrary to the treaty. Both delegations agreed to explain the considerations of the wording carefully to their Conforming representatives and return it to the Conforming Group.

TREATY ARTICLE VIII (Database)

¶11. (S) Taylor next asked Kuznetsov whether he had the opportunity to study the U.S.-proposed text on public release of database information. Kuznetsov replied that it looked the same in Russian and to please explain the difference. Taylor stated that paragraph 6 covered two ideas. The first was the right to release to the public database data as of a certain date with noted exceptions. The second concept is that the Parties would meet in the BCC to decide which additional data would be released. The United States proposed that aggregate data only, not unique identifiers, site diagrams, etc., would be released unless otherwise agreed. Taylor noted that this was the same as in START. Kuznetsov responded that while he was in general agreement, he did not feel these matters warranted being in the treaty proper. Kuznetsov felt that it belonged in the Protocol or even the Annex. Taylor replied that this established a right under the treaty and should belong in the treaty text proper. No Party would sign the treaty without the data in the database and it was important to establish the public release of data. Taylor continued that the U.S. proposed text was again in line with START but with the addition of new data dealing with nuclear warheads. Kuznetsov responded that he understood the U.S. position, but still felt the idea overburdened the treaty. He then suggested the idea to establish an exchange of diplomatic notes at the State Department level covering the same ground. Taylor answered that he would bring the idea up with the Head of Delegation.

TREATY ARTICLE III (COUNTING RULES)

¶12. (S) Taylor asked the Russian delegation for their thoughts on the substance and placement of the language in Article III, paragraph 4. Kuznetsov stated that it was too much and questioned its purpose in the treaty. Taylor responded that it was necessary to explain what ICBMs and SLBMs were so that the rest of the treaty would be clear, since the treaty often referred to ICBMs and SLBMs. Kuznetsov again said it was unnecessary; however, he had no objections, other than bracketed text to paragraphs 1, 2, 3, 5, 6, and 7.

¶13. (U) Documents provided:

- Russia:

- Revised Russian Non-paper, "Proposal on Locating Non-Deployed Items," November 27, 2009, in Russian and unofficial English.

¶14. (U) Participants:

U.S.

Mr. Taylor
Lt Col Comeau
Mr. Dean

Dr. Dreicer
Dr. Fraley
LTC LaGraffe
Mrs. Zdravecky
Mr. Sobchenko (Int)

RUSSIA

ADM Kuznetsov
Ms. Fuzhenkova
Mr. Kamenskiy
Ms. Kotkova
Ms. Evarovskaya (Int)

15. (U) Gottemoeller sends.
GRIFFITHS